

Public Law 99-130  
99th Congress

An Act

To provide for the use and distribution of funds awarded in docket 363 to the Mdewakanton and Wahpekute Eastern or Mississippi Sioux before the United States Court of Claims and Claims Court.

Oct. 28, 1985

[S. 1349]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Indians.

SECTION 1. (a) That notwithstanding any other law, except as provided in subsection (b) of this section, the funds for awards to the Mdewakanton and Wahpekute Sioux appropriated on January 30, 1981 (\$800,000), on October 15, 1982 (\$591,058), and one-half of the funds appropriated on March 2, 1981 (\$7,500), all in docket numbered 363 before the United States Court of Claims, and the funds appropriated on August 1, 1983 (\$3,468,246.48), in docket numbered 363 before the United States Claims Court, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be divided by the Secretary of the Interior (hereinafter the "Secretary") as follows:

	Percent
(1) Santee Sioux Tribe of Nebraska .....	58.69
(2) Flandreau Santee Sioux Tribe.....	15.84
(3) Prairie Island Sioux, Lower Sioux, and Shakopee Mdewakanton Sioux Communities of Minnesota to be divided on the basis of the respective members of each of the three communities, born on or prior to and living on the date of this Act.....	25.47

(b) To the share of the Santee Sioux Tribe of Nebraska in subsection (a) of this section shall be added \$172,363.20, and to the share of the Flandreau Santee Sioux Tribe \$135,244.32, both sums appropriated on August 1, 1983, in docket numbered 363, less attorney fees and litigation expenses, and including all interest and investment income accrued.

SEC. 2. The share of the Santee Sioux Tribe of Nebraska shall be used and distributed as follows:

(a) Eighty per centum of the funds apportioned shall be used and distributed as follows:

(1) the Secretary shall make a per capita distribution of \$300 to each tribal member born on or prior to and living on the date of this Act, except that those members at least sixty years of age on that date shall be paid \$900.

(2) the balance of the 80 per centum portion of the funds shall be invested by the Secretary for a tribal investment fund designed to yield periodic dividend payments to all tribal members born on or prior to and living on the dates such dividend payments are declared. Only the interest and investment income accrued shall be available for dividend payments. The amounts and payment dates shall be determined by the tribal governing body with the approval of the Secretary, and the first of such payments shall not be made earlier than five years from the date of the per capita payment in paragraph (1) of this subsection.

(b)(1) Twenty per centum of the funds shall be utilized for tribal social and economic development purposes, and for the establishment of a tribal burial fund; \$200,000 of such program funds shall be invested by the Secretary for the purpose of establishing a burial fund utilizing the interest and investment income accrued. Such funds shall not be available for burial services until two years after the date of initial investment. The tribal governing body, with the approval of the Secretary, shall develop criteria for the implementation of tribal burial services.

(2) The balance of the 20 per centum portion shall be invested by the Secretary and the interest and investment income accrued shall be utilized by the tribal governing body on a budgetary basis, with the approval of the Secretary, for programs designed to enhance the social and economic development of the tribe. None of the 20 per centum programming portion of the funds shall be available for per capita or dividend payments.

SEC. 3. The share of the Flandreau Santee Sioux Tribe shall be used and distributed as follows:

(a) Twenty-five per centum of the funds shall be distributed in the form of per capita payments to each tribal member born on or prior to and living on the date of the enactment of this Act, except that those members at least sixty years of age as of that date shall be paid twice the amount of other per capita recipients.

(b) Seventy-five per centum of the funds (which includes funds previously advanced to the tribal governing body) shall be used by the tribal governing body on a budgetary basis, with approval of the Secretary, for programs designed to enhance the social and economic development of the tribe. None of the 75 per centum programming portion of the funds shall be available for per capita payments.

SEC. 4. The share of the Prairie Island Sioux Community shall be used and distributed as follows:

(a) Eighty per centum of the funds shall be invested by the Secretary for a Tribal Investment Fund designed to yield periodic dividend payments to all tribal members born on or prior to and living on the dates such dividend payments are declared. Only the interest and investment income accrued shall be available for dividend payments. The amounts and payment dates shall be determined by the tribal governing body with the approval of the Secretary.

(b) Twenty per centum of the funds shall be utilized by the tribal governing body on a budgetary basis, with the approval of the Secretary, for programs designed to enhance the social and economic development of the tribe. None of the 20 per centum programming portion of the funds shall be available for per capita or dividend payments.

SEC. 5. The share of the Lower Sioux Indian Community shall be used and distributed as follows:

(a) Eighty per centum of the funds apportioned shall be used and distributed as follows:

(1) the Secretary shall make a per capita distribution of \$300 to each tribal member born on or prior to and living on the date of the enactment of this Act;

(2) one year from the date that the per capita payments in paragraph (1) of this subsection are made, an additional per capita payment of \$300 shall be made to each tribal member who is at least sixty years of age living on such date;

(3) the balance of the 80 per centum portion of the funds shall be invested by the Secretary for a Tribal Investment Fund designed to yield periodic dividend payments to all tribal members born on or prior to and living on the dates such dividend payments are declared. Only the interest and investment income accrued shall be available for dividend payments. The amounts and payment dates shall be determined by the tribal governing body with the approval of the Secretary, and the first of such payments shall not be made earlier than five years from the date of the per capita payment in paragraph (1) of this subsection.

(b) Twenty per centum of the funds shall be invested by the Secretary and the interest and investment income accrued shall be utilized by the tribal governing body on a budgetary basis, with the approval of the Secretary, for programs designed to enhance the social and economic development of the tribe. None of the 20 per centum programming portion of the funds shall be available for per capita or dividend payments.

SEC. 6. The share of the Shakopee Mdewakanton Sioux Community shall be used and distributed as follows:

(a) Eighty per centum of the funds shall be invested by the Secretary for a Tribal Investment Fund designed to yield periodic dividend payments to all tribal members born on or prior to and living on the dates such dividend payments are declared. Only the interest and investment income accrued thereon shall be available for dividend payments. The amounts and payment dates shall be determined by the tribal governing body with the approval of the Secretary.

(b) Twenty per centum of the funds shall be invested by the Secretary and the interest and investment income accrued shall be utilized by the tribal governing body on a budgetary basis, with the approval of the Secretary, for programs designed to enhance the social and economic development of the tribe. None of the 20 per centum programming portion of the funds shall be available for per capita or dividend payments.

#### GENERAL PROVISION

SEC. 7. (a) No person shall receive benefit payments as a member of more than one of the tribes under this Act. An individual who is a member of more than one of the tribes under this Act must designate the tribe from which he or she will receive per capita or dividend payments prior to receiving a per capita or dividend payment under this Act.

Prohibition.

(b) The per capita shares or dividend payments of living, competent adults shall be paid directly to them. The shares or payments of deceased individuals, legal incompetents and minors, shall be determined and distributed under regulations prescribed by the Secretary pursuant to the Act of October 19, 1973 (87 Stat. 466), as amended (96 Stat. 2512; 25 U.S.C. 1401 et seq.).

SEC. 8. Per capita and dividend payment distributions made pursuant to this Act shall be subject to the provisions of section 7 of the Act of October 19, 1973 (87 Stat. 466), as amended (96 Stat. 2515; 25 U.S.C. 1407).

Approved October 28, 1985.

#### LEGISLATIVE HISTORY—S. 1349:

HOUSE REPORT No. 99-298 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 99-115 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 131 (1985):

July 31, considered and passed Senate.

Oct. 9, considered and passed House.